

Next Meeting: October 6, 2004
10:00 a.m. – Capitol Area Career Center

SPECIAL EDUCATION ADVISORY COMMITTEE

Minutes of June 2, 2004, Meeting
10:00 a.m.

Present: Kathleen Clegg, Pansy Coleman, Julie Dagget-Lawrence (for Patricia Keller), Cheryl Ervin, Janice Fialka, Elaine High, Jill Jacobs, Shari Krishnan, Jim Kubaiko, Paul Kubicek, Peggy McNeilly, Jerry Oermann (for Pam Mish), Sue Rabidoux, Anne Richardson, Debs Roush, Deb Russell, Steve Schwartz, Larry Simpson, Deb Todd, Don Trap, Collette Ward
Ex-Officio Members: Mark Larson, Michele Robinson, Jacquelyn Thompson

Absent: Greg Bodrie, Patt Clement, Sheri Falvay, Ric Hogerheide, Lois Lofton Doniver, Lee Martin, Rosanne Renauer, Jeff Siegel, Randall VanGasse

OSE/EIS Staff: Fran Loose, Patti Oates-Ulrich

Guests: Sandi Laham

The meeting was called to order by Chairperson Larry Simpson.

Roll Call

Roll call was taken and a quorum was present.

Introduction of Guests

Guests attending the meeting were introduced.

Amend/Approve Proposed Agenda

The agenda of June 2, 2004, meeting was considered. The election of officers and the request to cancel the July and August Committee of the Whole meeting should be moved to action items. The school age committee's report on NCLB should be added under action items. Paul Kubicek moved, seconded by Kathleen Clegg, to approve the agenda as amended. The motion carried.

Amend/Approve Minutes

The minutes of May 5, 2004, meeting were considered. Deb Russell moved, seconded by Deb Todd, to approve the minutes as written. The motion carried.

Public Comment

None

Chairperson's Report – Larry Simpson

This has been a year of transition, attempting to align the work of the SEAC and that of the Continuous Improvement Monitoring Process (CIMP), and a lot was accomplished. The year was begun with a deliberate effort to conduct meetings with the same amount of care that we have for kids. The SEAC members have conducted themselves with dignity and respect. Larry has enjoyed the year.

State Reports – Jacquelyn Thompson and David Brock

A. State Board of Education

Two SEAC-related items are on the June State Board of Education agenda: approval of membership nominations to the SEAC, and SEAC's advice on eligible students with disabilities in adult prisons. The document on Least Restrictive Environment was submitted for the June Board agenda; however, Jeremy Hughes had a few additional internal questions regarding the document. Therefore, it will be postponed to a later agenda.

Following their visit, OSEP set a 60-day deadline for compliance with complaint investigation timelines as the Department was out of compliance and had been for some time due to short staffing and other issues. There were 122 open complaint investigations at the start of the 60-day period, many of which were very out of date. At the end of the 60-day period, all 122 outstanding complaints were closed and any open complaints were less than 60 days old. The Department was able to report to OSEP complete compliance. It is expected that quarterly reporting will be required for at least a year. Mark Larson asked if it is continually necessary for the federal government to enhance the Department's ability to do its job. David and Jacquelyn explained that the Department was aware for years that this was a critical improvement area, but the letter from OSEP helped underscore its importance and get the need filled. Discussion followed.

B. Department of Education

David Brock reported that the Senate passed its version of IDEA reauthorization. It went to committee and is not anticipated to return to the Senate floor for reauthorization until after the November elections.

Highly Qualified Teachers and NCLB is still a high priority. Michigan is still attempting to relieve some of the burden on special education teachers trying to become highly qualified. Other states are attempting the same.

Maintenance of effort, a financial concept that states the local and state government cannot reduce their support for special education even when the amount of federal funds increases. Increases in federal funds have occurred and more are anticipated over the next few years; however, it becomes difficult to spend the money because of the state and local money already spent in support of special education. The federal regulations allow for some flexible spending of federal funds. The State School Aid Act was amended last August to allow school districts to use some of these options.

The definition of autism was discussed at the May SEAC meeting. The SEAC's recommendation to re-title the rule "Autism Spectrum Disorder" was accepted by the Department. Due to the associated legal challenges, the Department chose not to pursue the stay put in mediation clause despite the SEAC's recommendation to move it forward. The Superintendent forwarded that rule package to the Office of Regulatory Reform, which is the next step in promulgating the rules. It will come before the Joint Committee on Administrative Rules, a combined Senate and House committee. That process takes several months, but is hoped to be completed by the end of September.

A number of issues are expected to be ready for public comment around August 1. The Transition Services Coordinator Qualifications Rule is being reworked by a referent group to include a grandparenting provision for those who have worked at the ISD level. The university will no longer determine if a person has the qualifications of a transitions services coordinator. Instead, a board of examiners will fulfill that function. The IHE group has worked over a period of two years to update the qualifications of special education teachers. These rules are proposed for revision. The rules supporting the single-tier due process magistrate system will be available for public comment at that time as well. Guidelines for an IEP addendum are also forthcoming based on a proposal by Kent ISD sent to OSE/EIS and forwarded to Michigan's OSEP representative, who in turn approved it. Public comment on these issues is expected to run through the end of September.

Mark Larson asked what Kent ISD's reasoning was for needing an IEP addendum. David Brock explained that the addendum idea would allow subtle changes to an IEP without completely redoing the entire IEP. Guidelines that accompany this idea are necessary and will be developed. Pansy Coleman asked what is the purpose of having an addendum versus reconvening the IEP if the entire group will be brought together for the addendum anyway. Discussion followed. Jim Kubaiko suggested bringing Laurie Vanderploeg, previous SEAC chairperson and the person spearheading this proposal at Kent ISD, to attend a SEAC meeting and present their idea.

Information Items

Shari Krishnan explained that an article on NCLB is provided at each delegate's chair for additional information and support as the School Age subcommittee's document on NCLB is considered today. The article is in Volume 12, Issue 3 of the Learning Disabilities Journal.

Steve Schwartz provided a CD containing a position paper from the Michigan Association of School Psychologists on using the MEAP for high-stakes decision-making. He mentioned at a previous meeting that he would bring it in for the SEAC membership.

Action Items

- A. Debs Roush moved, seconded by Peggy McNeilly, to cancel the July and August Committee of the Whole meeting. The motion carried.

- B. Recommendations to the State Board of Education Regarding the Impact of No Child Left Behind on Students with Disabilities

Debs Roush explained that the changes made at last month's meeting are reflected in the document included with the June mailing. The School Age subcommittee would like to send the document to the State Board for their consideration and support. Debs summarized the recommendation outlined on page three of the document at Mark Larson's request. Shari Krishnan requested that the State Board address and direct resources toward addressing the fear of school personnel without watering down the intent of the spirit of NCLB. Debs responded that the fourth recommendation concerning personnel development would cover that concern. Discussion followed. Deb Russell asked if the first recommendation really says what the subcommittee wanted it to say. For example, completely doing away with IDEA would resolve any conflict between NCLB and IDEA but would not be desirable. Paul Kubicek explained that the wording contained in parentheses in that recommendation was intended to cover that point. Deb Russell moved, seconded by Sue Rabadoux, to amend the first recommendation, removing the parentheses and replacing them with "in a way that addresses concerns 1-4". The motion carried. Shari Krishnan moved, seconded by Paul Kubicek, to further amend the first recommendation to include the phrase, "recognizing the importance of honoring the individual student as referenced in" before "IDEA". The motion carried. Debs Roush moved, seconded by Deb Russell, to approve the document as amended and forward it to the State Board of Education. The motion carried.

- C. Election of Officers

Given the SEAC's new subcommittee structure, there is no current provision in the bylaws for counting votes; therefore, the Chair appointed Shari Krishnan to chair an ad hoc elections committee and accepted Michele Robinson and Cheryl Ervin as volunteers to serve on that committee. The votes were tallied and the ad hoc committee announced that Patt Clement was elected Chairperson and Ric Hogerheide was elected Vice Chairperson for 2004-05.

Ex-Officio Reports

Institutions of Higher Education – Mark Larson – None

Michigan Department of Community Health – Sheri Falvey – None

Michigan Department of Career Development/Rehabilitation Services – Lynn Boza – None

Family Independence Agency – Lee Martin – None

Committee Reports

A. General Supervision – Elaine High

In the absence of co-chairs Pam Mish and Ric Hogerheide, Elaine summarized the contents of the General Supervision subcommittee's year end report.

B. School Age – Debs Roush

Debs summarized the contents of the School Age subcommittee's year end report.

C. Secondary Transition – Larry Simpson

Larry Simpson summarized the contents of the Secondary Transition subcommittee's year end report.

Member Issues

Jacquelyn Thompson recognized outgoing members and Chairperson Larry Simpson for their service to the SEAC by presenting them with certificates of appreciation.

Sue Rabidoux reminded the group that last month Deb Todd brought a concern regarding uncertified people operating in the position of speech therapy. MSLHA would like to reiterate that the position is a master's degree level position; however, students who have finished their master's degree and are beginning their fellowship year are eligible to work as a speech therapist. Sue brought a letter written to Jacquelyn Thompson from Charles C. Diggs, Director of State and Consumer Advocacy, to reiterate that fact. Discussion followed.

Deb Russell stated that the way that the SEAC came together regarding the special education rules was the highlight of her service on the SEAC. She reiterated an earlier statement that fear needs to be recognized and the SEAC should continue to examine ways to remove it. In addition, individual students must not be overlooked whether or not the population in the local school is large enough for it to count toward AYP.

Pansy Coleman announced that there is a new director of special education in Wayne RESA who has raised an issue related to the PAC. In order to be a parent serving on the PAC, you must have a student served by an IEP. Wayne RESA reported that the SEAC changed the wording from "child with a disability" to "student with a disability." The director would like to dismiss those veteran PAC members who do not have a child served by a current IEP. What was the reasoning for changing the word "child" to "student"? Why can parents with students no longer served by a current IEP serve on other committees but not on a PAC?

David Brock explained that the Department changed the rule, not the SEAC. The word was changed to recognize that not all students are children; they can be as old as 26 and still be covered by the rule. A PAC must have a parent of a student with a disability from each local school district or public school academy; however, the meetings should be open for others to attend. In addition, the PAC has the authority to define its voting procedures however it would like. Discussion followed.

Pansy also announced that Cassandra McRee, a strong advocate for children in Wayne County, passed away this past weekend and the memorial service will be held at 11:00 on Saturday, June 5.

Shari Krishnan stated that the SEAC has changed her life in a very positive way. She feels more equipped and confident when going into IEPs and other meetings knowing and understanding the points of view of everyone at the SEAC table.

Future Agenda Items

Steve Schwartz announced that Senator Buzz Thomas will attend the October meeting. In addition, Representative John Stewart, who introduced the anti-bullying legislation in the House, will be present. Steve also recommended inviting Dr. Fisk, who is a retired school psychologist and an expert on anti-bullying programs, to present over a later lunch session.

Paul Kubicek reminded the group of the issue of the Family Support Subsidy being tied to diagnosis that was discussed in the May meeting and requested a presentation on how that works. Jacquelyn Thompson explained that ex-officio Shari Falvay's unit manages that area and could present.

Pansy Coleman mentioned Michigan Rehab and the unequal services provided for children in Wayne County and the Detroit Area versus those in other areas. Jacquelyn suggested a presentation on rehabilitation services next year. Additionally, the SEAC could forward its concern to the Michigan Rehab Council or the Developmental Disabilities Council. Larry Simpson noted that the issue could fit well with the work of the Secondary Transition subcommittee next year. Discussion followed.

Peggy McNeilly moved, seconded by Jill Jacobs, to adjourn. The motion carried. The meeting was adjourned.

Amanda Whitehead
Recording Secretary

SPECIAL EDUCATION ADVISORY COMMITTEE

Executive Committee
Minutes of June 2, 2004, Meeting
8:45 a.m.

Present: David Brock, Elaine High, Shari Krishnan, Sandi Laham, Fran Loose, Patti Oates-Ulrich, Debs Roush, Larry Simpson, Jacquelyn Thompson, Collette Ward

Absent: Ric Hogerheide, Pam Mish, Steve Schwartz, Randall VanGasse

Review of Today's Agenda

Larry Simpson will be late today as he was called into an 8:30 meeting in Flint.

The NCLB document developed by the School Age subcommittee will be presented as an action item today. In addition, two items will be moved to action items: cancellation of summer SEAC meetings, and the election of officers within the executive committee.

State Department Report

Jacquelyn Thompson just arrived back in the country Tuesday evening from her two week vacation, so she will leave much of the State Department Report to David Brock.

David will report that the Senate passed their version of IDEA Reauthorization and it is now in committee. It is not expected to return to the Senate floor until following the November elections.

In addition, David will give an update on the Department's work regarding highly qualified special education teachers as well as maintenance of effort. He will also update the group on the status of current policy issues including the definition of autism and the stay put provision (both discussed last month), the deaf/blind definition, and the transition services coordinator qualifications. David projects that several new policy issues will be introduced in the coming months, including criteria for special education teacher training, the single tier magistrate system, and IEP addendums.

The Continuous Improvement Focused Monitoring model will run as a testing program before being established for the entire State. Volunteer facilities will participate. How to handle focused monitoring in facilities not volunteering during the testing period is yet to be determined.

David reported that there are two SEAC-related items on the June Board of Education agenda: nominations for SEAC membership for 2004-05, and the document developed by the Secondary Transition subcommittee on eligible students with disabilities in adult prisons. The least restrictive environment (LRE) document recently approved by the SEAC was supposed to be on the June agenda but was postponed due to some internal questions posed by Jeremy Hughes.

Subcommittee Reports

The subcommittees will summarize their end-of-the-year reports.

Other Issues

The election process this year was impeded in a variety of ways. Amanda Whitehead explained that the process for determining the 2004-05 membership was started late which meant the elections for the executive committee began late as well. In addition, the executive committee conference call held in May did not begin on time and therefore posed problems for some who were supposed to participate and could not. All delegates did not return ballots and four names surfaced as write-ins for the office of chairperson in addition to the one name on the ballot. All of the write-ins may not be willing to serve. Two people on the ballot will not be Board-approved as 2004-05 members until after the June State Board of Education meeting. Finally, according to the bylaws, the Operations subcommittee is responsible for tallying the votes but that subcommittee no longer exists. Jacquelyn Thompson reminded the group that this was a year of transition and this process was affected by that transition but would be smoothed out for next year.

Three solutions were proposed by Fran Loose: one, count the ballots that were returned and accept whatever results they reflect; two, explain the situation to the committee of the whole and take another vote in today's meeting; or three, appoint an interim Chairperson and await the decision of the Board concerning the SEAC membership item this month before acting. Fran also invited other suggestions. Larry Simpson stated that ballots were mailed and that some delegates responded. He expressed a preference to count the ballots received and accept the results of that vote. The executive committee agreed. Sandi Laham suggested appointing Shari Krishnan, who is an exiting member and therefore has no personal stake in the election results, to head an ad hoc election committee. Larry would request two volunteers from the committee of the whole to serve with her. Those three would count the ballots during the committee of the whole meeting. Larry so appointed Shari.

Future Agenda Development

Shari Krishnan recommended that the election process be examined and clarified in the bylaws where necessary so it runs more smoothly next time. Larry Simpson suggested that contingency plans need to be put in place for situations like we encountered this year (not enough people on the ballot to fill positions, people on the ballot not yet approved by the State Board of Education for additional year(s) on SEAC, etc.).